

1 THE HONORABLE RICARDO S. MARTINEZ  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 NORTHRIM BANK

11 Plaintiffs,

12 v.

13 PEARL BAY SEAFOODS, LLC, JOSEPH  
14 MARTUSHEV, MIRON I BASARGIN,  
15 ALEXANDER I. KALUGIN, NIKOLAI  
16 IGNATIEVICH BASARGIN, and  
17 IOASOPH MARTUSHEV, *in personam*; and  
18 the Vessel GLACIER BAY, Official Number  
19 600325, *in rem*,

20 Defendants.

21 PORT OF SEATTLE,

22 Intervenor-Plaintiff

23 v.

PEARL BAY SEAFOODS, LLC, and  
GLACIER BAY, Official Number 600325, *in rem*,

Complaint in Intervention  
Defendants

IN ADMIRALTY

Case No. 2:23-cv-01042-RSM

**ORDER GRANTING MOTION TO  
RELEASE THE VESSEL GLACIER BAY  
FROM ARREST AND SUPPLEMENT  
FINAL ACCOUNTING; DISMISSING  
CLAIMS AGAINST IOASOPH  
MARTUSHEV AND JOSEPH  
MARTUSHEV WITH PREJUDICE AND  
RELEASING SECURITY**

1       THIS MATTER CAME BEFORE THIS COURT on Plaintiff's Motion Seeking  
2 Release of the vessel GLACIER BAY, Official Number 600325 from arrest by the United  
3 States Marshal and the custody of the substitute custodian, Marine Lenders, and approval of  
4 the Supplemental Final Accounting (the "Motion") concerning the judicial sale of the  
5 GLACIER BAY, the Non-Opposition of Intervenor-Plaintiff the Port of Seattle, and the  
6 Stipulation of Plaintiff and Defendants Joseph Martushev and Ioasoph Martushev filed  
7 September 18, 2024, upon consideration of the Motion FINDS:

8       THAT pursuant to this Court's Order of March 6, 2024 (Dkt. #67) the GLACIER BAY,  
9 Coast Guard Official Number 600325 ("GLACIER BAY") was sold by the United States  
10 Marshal on May 29, 2020 at a judicial sale (Dkt. #70) to Plaintiff Northrim Bank ("Northrim")  
11 for a Credit Bid in the amount of \$ 641,404.40.

12       THAT on June 3, 2024, Northrim filed an Accounting with this Court (Dkts. #71, #72,  
13 #73) of the attorneys' fees and other expenses in *custodia legis*.

14       THAT the Northrim Accounting contained in this Motion requests that the Court  
15 approve certain supplementations to the final accounting previously filed to address expenses  
16 incurred *in custodia legis* between the date of sale and the date the Bill of Sale and Marshal's  
17 Final Exact Accounting was final on August 27, 2024.

18       THAT this Court hereby approves of the supplementation to the Final Accounting, Dkt.  
19 #71, and adjusts Plaintiff Northrim Bank's Preferred Ship Lien to \$694,498.59.

20       THAT all claims asserted or assertable by Plaintiff against Defendants Joseph  
21 Martushev and Ioasoph Martushev are dismissed with prejudice, without award of fees or costs  
22 to either party.

1 THAT Plaintiff Northrim Bank releases any assignment, and claims against, the Life  
2 Insurance Policies dated June 8, 2020, that are identified as security in the Commercial  
3 Promissory Note (Dkt. # 53-2) at pp. 3 & 43.

4 IT IS THEREFORE ORDERED AND ADJUDGED that the GLACIER BAY, Coast  
5 Guard Official Number 600325, which was sold by a judicial sale conducted by the U.S.  
6 Marshal on May 29, 2024 to Northrim Bank on a credit bid of \$641,404.04 shall be and is  
7 hereby immediately released from arrest and the custody of the U.S. Marshal and the substitute  
8 custodian, Marine Lenders.

9 IT IS FURTHER ORDERED AND ADJUDGED that any and all liens that may have  
10 existed before the judicial sale on May 29, 2024 are hereby fully and finally extinguished  
11 consistent with Title 46 U.S.C. § 31326(a) and that full clean and marketable title in the  
12 GLACIER BAY is hereby vested in Northrim Bank.

13 IT IS FURTHER ORDERED AND ADJUDGED THAT Northrim's Supplemental  
14 Final Accounting is approved in the amount of \$694,498.59.

15 IT IS FURTHER ORDERED AND ADJUDGED THAT all claims asserted, or  
16 assertable, by Northrim against Defendants Ioasoph Martushev and Jospeh Martushev are  
17 dismissed with prejudice and without fees or costs to either party.

18 IT IS FURTHER ORDERED AND ADJUDGED that the assignment of the Life  
19 Insurance Policies dated June 8, 2020 that are identified as security in the Commercial  
20 Promissory Note (Dkt. #53-2) at pp. 3 & 42 is hereby extinguished and released and no action  
21 shall be taken by Northrim on or against said Life Insurance Policies.

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1 DATED this 24<sup>th</sup> day of September, 2024.

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RICARDO S. MARTINEZ  
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 LANE POWELL PC

13 s/Katie Smith Matison

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15 Daniel Miller, WSBA No. 56810

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32 And Ioasoph Martushev

33 {30010-01081240;1}

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35 Page 4

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## CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on September 18, 2024, I caused to be served a true and correct copy of the foregoing document to be delivered via the Court's ECF System, on all counsel of record unless otherwise indicated below:

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*Attorneys for Intervenor Plaintiff, Port of Seattle*

I certify under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct this 18th day of September 2024.

*s/ Sheila Baskins*

Sheila Baskins, Legal Assistant  
Signed at Seattle, Washington